



Comptroller General  
of the United States

Washington, D.C. 20548

*De George*

## Decision

**Matter of:** Westcott Central

**File:** B-241570

**Date:** February 5, 1991

Karen Carson for the protester.  
Amy J. Brown, Esq., General Services Administration, for the agency.  
Steven W. DeGeorge, Esq., and John Brosnan, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Geographical restriction in requirement for lease of office space does not unduly restrict competition where the agency reasonably based the restriction upon its legitimate operational and security needs.

### DECISION

Westcott Central protests the rejection of its offer in response to advertisements, issued by the General Services Administration (GSA), for the lease of office space in Houston, Texas. The agency determined that Westcott's offer was unacceptable because it failed to meet the delineated location area requirement set forth in the advertisements.

We deny the protest.

The lease is to provide for the continued office space needs of the United States Secret Service, Houston Field Office, which is currently located in 11,411 square feet of space at 602 Sawyer Street in downtown Houston. The current lease will expire on March 15, 1991.

On July 26, 1989, the Secret Service submitted a written request to GSA for the continued lease of office space. This request included an identification of certain specific space requirements including one having to do with location. On September 1, GSA advertised the intended lease in a local Houston newspaper and, in accordance with the request of the Secret Service, identified the location requirement as follows:

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"The space must be located within the following boundaries: North: Washington Avenue; West: Sawyer Street; South: Memorial Drive; East: Houston Street."

Interested offerors were requested to respond by September 8.

Westcott responded and on February 15, 1990, a GSA Realty Specialist conducted a site visit at the Westcott building. During this visit, the GSA Specialist informed the Westcott Building Manager that the offered building was about two and one-half miles outside of the delineated location area and therefore was not eligible for consideration. Following further review of responses, GSA concluded that in fact only one response, that which was made by the incumbent lessor, was acceptable. GSA informed the Secret Service that additional information in support of its location requirement was necessary since competition did not appear to exist. On July 6, the Secret Service responded to GSA's request and identified essentially five reasons in support of its location requirement: (1) the delineated area would allow for easy access to major arteries to downtown and frequently visited suburban locations; (2) the area was in close proximity to the Houston Police Department with which the Service cooperated on a daily basis; (3) the area was in close proximity to the Federal Building which was necessary because of daily activity there; (4) it was "absolutely essential" for the field office to be centrally located near the Houstonian Hotel which is the designated temporary residence of the President when in Houston; and (5) the delineated area allowed for a secure parking area for official vehicles.


On July 7, GSA readvertised the space requirement in a local newspaper setting forth the same delineated area and calling for responses from interested offerors by July 23. Westcott responded to this notice by submitting an offer dated July 18. By letter dated September 26, GSA informed Westcott of the unacceptability of its offer because of the building's location.

Westcott essentially challenges the delineated area requirement specified by GSA. In Westcott's view, the office space which it desires to lease is perfectly suitable for housing the Secret Service, even though the space happens to be located outside of the delineated area. Thus, Westcott contends that the requirement is overly restrictive and that the rejection of its response was improper.

An agency may restrict a procurement to offerors within a specified geographical area if the restriction is reasonably necessary for the agency to meet its needs. AAA Eng'g & Drafting, Inc., B-237383, Jan. 22, 1990, 90-1 CPD ¶ 87. The determination of the proper scope of a geographical restriction is a matter of the agency's judgment which we will review in order to ensure that it has a reasonable basis. Id. Here, we find that GSA's determination to limit offers to buildings within the delineated area was reasonable in relation to the asserted minimum needs of the Secret Service.

As indicated above, the Secret Service furnished GSA a number of reasons in support of its location requirements. Each of the reasons proposed appears to be reasonably grounded in the legitimate operational and security needs of the agency. While Westcott generally asserts that its building fits the needs of the Secret Service, and that its location is "actually better," the protester has not responded in any substantive way to the rationale put forth in support of the geographical restriction. Since the restriction is based on what the agency terms as operational and security considerations and is not on its face unreasonable, we have no basis upon which to question it. See Pacific Bell Tel. Co., B-231403, July 27, 1988, 88-2 CPD ¶ 93. We think that the delineated area requirement imposed by GSA was a reasonable restriction under the circumstances of this case.

The protest is denied.

  
for James F. Hinchman  
General Counsel